



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 15
600 South Maestri Place – 7th Floor
New Orleans, LA 70130-3413

Agency Website: www.nlrb.gov
Telephone: (504)589-6362
Fax: (504)589-4069



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May 15, 2023

kyle.vuchak@jacksonlewis.com

Kyle A. Vuchak, Esq.
Jackson Lewis PC
6100 Oak Tree Boulevard
Suite 400
Cleveland, OH 44131

vincent.tersigni@jacksonlewis.com

Vincent Tersigni, Esq.
Jackson Lewis P.C.
6100 Oak Tree Blvd., Suite 400
Park Center Plaza I
Cleveland, OH 44131-6944

Re: ABC Professional Tree Service Inc.
Case 15-CA-311956

Dear Mr. Vuchak and Mr. Tersigni:

Enclosed is a copy of the first amended charge that has been filed in this case.

Investigator: This charge is being investigated by Field Attorney Grayson Hinojosa whose telephone number is (501)508-7092. The mailing address is 700 West Capitol Ave. Suite 4429, Little Rock, AR 72201. If the agent is not available, you may contact Resident Officer STACIA CAMPBELL whose telephone number is (501)508-7091.

Presentation of Your Evidence: As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the first amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits.

Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlr.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

A handwritten signature in black ink that reads "M. Kathleen McKinney". The signature is written in a cursive, flowing style.

M. Kathleen McKinney
Regional Director

MKM/cs

Enclosure: Copy of first amended charge

cc: ABC Professional Tree Service, Inc.
201 Flint Ridge Road, Suite 201
Webster, TX 77598

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

ABC PROFESSIONAL TREE SERVICE, INC.

Charged Party

and

(b) (6), (b) (7)(C)

Charging Party

Case 15-CA-311956

AFFIDAVIT OF SERVICE OF FIRST AMENDED CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on May 15, 2023, I served the above-entitled document(s) by regular mail/e-mail upon the following persons, addressed to them at the following addresses:

kyle.vuchak@jacksonlewis.com

Kyle A. Vuchak, Esq.
Jackson Lewis PC
6100 Oak Tree Boulevard
Suite 400
Cleveland, OH 44131

ABC Professional Tree Service, Inc.
201 Flint Ridge Road, Suite 201
Webster, TX 77598

vincent.tersigni@jacksonlewis.com

Vincent Tersigni, Esq.
Jackson Lewis P.C.
6100 Oak Tree Blvd., Suite 400
Park Center Plaza I
Cleveland, OH 44131-6944

May 15, 2023

Date

C. Sanchez, Designated Agent of NLRB

Name

/s/

Signature



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May 15, 2023

bryce@donatilaw.com
Bryce W. Ashby, Attorney at Law
1545 Union Avenue
Memphis, TN 38104-3754

Re: ABC Professional Tree Service Inc.
Case 15-CA-311956

Dear Mr. Ashby:

We have docketed the first amended charge that you filed in this case.

Investigator: This charge is being investigated by Field Attorney Grayson Hinojosa whose telephone number is (501)508-7092. The mailing address is 700 West Capitol Ave. Suite 4429, Little Rock, AR 72201. If the agent is not available, you may contact Resident Officer STACIA CAMPBELL whose telephone number is (501)508-7091.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the first amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,



M. Kathleen McKinney
Regional Director

MKM/cs

cc: (b) (6), (b) (7)(C)

